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30206 7590 10/15/2008 IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829				
EXAMINER THOMPSON, JR, OTIS L.				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed September 30, 2008 have been fully considered but they are not persuasive.
2. **Sections A-C and F-I (Claims 1-9, 17-25, 35-42)** - Applicant asserts that the hypervisor program disclosed by the Yamaguchi reference is *a control program for controlling a single physical computer to operate as a plurality of logical partitions* which is not the same as **code that is usable to send partition information** (Applicant's claimed invention). Examiner disagrees with Applicant based on Applicant's own disclosure in the "BACKGROUND" section of Applicant's specification. While the hypervisor program does indeed allow a single computer to act as a plurality of logical partitions, Examiner asserts that this is the same as **code that is usable to send partition information**. On page 2 lines 13-20 of the "BACKGROUND" section of the specification, Applicant discloses a conventional teaching of the hypervisor program as being a firmware layer that divides up processors and main memory among multiple logical partitions, and as being able to provide a command response queue allowing multiple partitions to communicate. Moreover, hypervisor is known in the art as being a partition management tool and thus inherently has code that is usable to send partition information that it inherently manages. This obviously means that the hypervisor firmware program facilitates communication to and from partitions, and includes the **sending of partition information from a partition management tool to a hosting partition**.
3. **Section D (Claims 10, 11, 26, 27)** – Applicant asserts that the Arndt reference does not teach **at least one partition employs at least two receive queues and two**

transmit queues. Applicant is correct in asserting that Arndt teaches that each logical host channel adapter 1282-1286 of figure 12 may have a plurality of queue pairs. However, Arndt discloses in paragraph 132 that, in reference to figure 12, a logical port belongs to a logical host channel adapter that has been assigned to a logical partition. The queue pairs 1232-1242 are associated with particular logical ports, and in this way, each logical partition operates as if it had its own logical host channel adapter 1282-1286. Hence, from figure 12 and paragraph 132, **at least one partition does employ at least two receive queues and two transmit queues.** Specifically, each logical partition has send/receive queue pair on the partition and a send/receive queue pair on the logical host channel adaptor with specific a specific port being assigned to each queue pair.

Applicant further asserts that Schmidt does not teach **transferring a frame or packet from the adapter to the receive queue of one of the plurality of partitions.** However, Examiner asserts that in addition to teaching the transfer of data from the send queue of a first partition to the receive queue of a second partition, Schmidt teaches that the transferring of data involves the adapter. Specifically, Schmidt discloses that prior art teaches that in transferring data from one partition to another, an adapter provides a handshake control between the two, and also provides a data buffer for intermediate storage of information being passed between the two (Column 1 lines 13-28). Hence, **transferring a frame or packet from the adapter to the receive queue of one of the plurality of partitions** is known in the art and is obvious over Schmidt.

4. **Section E (Claims 12-16, 28-34)** – Applicant asserts that the McMichael reference does not teach **selecting, via a partition management tool included on one of the partitions, the partition to share the adapter**. Applicant cites figure 2A as clearly illustrating the partition manager 201 as being separate from partitions 215-218. However, Figure 4 is a preferred embodiment of McMichael's invention. Figure 4 shows a partition P0 and the partition management tool being a part of the same unit 419. More specifically, McMichael discloses in paragraph 57 that the partition manager is embedded on the disk stack 419. Hence, **the partition management tool is included on one of the partitions** because it is embedded on the disk stack.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OTIS L. THOMPSON, JR whose telephone number is (571)270-1953. The examiner can normally be reached on Monday to Thursday 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571)272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Otis L Thompson, Jr./
Examiner, Art Unit 2419

October 6, 2008